

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JAMON T. BRIM,)
Plaintiff,)
v.)
MIDLAND CREDIT) CIVIL ACTION NO.
MANAGEMENT, INC.,) 5:10-cv-0369-IPJ
Defendant.)

DEFENDANT'S PROPOSED JURY INSTRUCTION

Defendant Midland Credit Management, Inc. requests that the following instruction be added to the Oral Charge provided at the conclusion of the charge conference held on Thursday, February 24:

It is the duty of any person who has been injured to use reasonable diligence and reasonable means under the circumstances, in order to prevent the aggravation of such injuries and to effect a recovery from such injuries.

Federal Jury Prac. & Instr. § 128.50.

Respectfully submitted this 24th day of February, 2011.

Jason B. Tompkins

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of February 2011, I have filed the above and foregoing in open court, and have provided the same to the following counsel of record in open court:

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